

AMENDED IN ASSEMBLY AUGUST 18, 2010

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN ASSEMBLY JUNE 16, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1435

Introduced by Senators Padilla and Kehoe

February 19, 2010

An act to amend Section 216 of, and to add Chapter 3 (commencing with Section 4100) to Division 2 of, the Public Utilities Code, relating to electric vehicle charging stations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1435, as amended, Padilla. Electricity: ~~electric and plug-in hybrid electric vehicles: charging stations: charging.~~

(1) Under existing law, the Public Utilities Commission has regulatory authority over public utilities, as defined. The existing Public Utilities Act requires every public utility to furnish and maintain adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

This bill would provide that the ownership, control, operation, or management of a facility that supplies electricity only for use to ~~power charge light-duty plug-in electric vehicles or plug-in hybrid vehicles, as defined,~~ does not make the corporation or person a public utility for purposes of the act.

(2) Existing law requires the Public Utilities Commission, in consultation with the State Energy Resources Conservation and Development Commission, the State Air Resources Board, electrical

corporations, and the motor vehicle industry, to evaluate policies to develop infrastructure sufficient to overcome any barriers to the widespread deployment and use of plug-in hybrid and electric vehicles and, by July 1, 2011, to adopt rules that address specified matters.

This bill would require the Public Utilities Commission to adopt rules ~~that are applicable to each facility that supplies electricity for use to power electric vehicles or plug-in hybrid vehicles, which is located~~ *that it determines are necessary for the charging of plug-in electric vehicles* within the service territory of an electrical corporation, to achieve certain results.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 216 of the Public Utilities Code is
2 amended to read:

3 216. (a) "Public utility" includes every common carrier, toll
4 bridge corporation, pipeline corporation, gas corporation, electrical
5 corporation, telephone corporation, telegraph corporation, water
6 corporation, sewer system corporation, and heat corporation, where
7 the service is performed for, or the commodity is delivered to, the
8 public or any portion thereof.

9 (b) Whenever any common carrier, toll bridge corporation,
10 pipeline corporation, gas corporation, electrical corporation,
11 telephone corporation, telegraph corporation, water corporation,
12 sewer system corporation, or heat corporation performs a service
13 for, or delivers a commodity to, the public or any portion thereof
14 for which any compensation or payment whatsoever is received,
15 that common carrier, toll bridge corporation, pipeline corporation,
16 gas corporation, electrical corporation, telephone corporation,
17 telegraph corporation, water corporation, sewer system corporation,
18 or heat corporation, is a public utility subject to the jurisdiction,
19 control, and regulation of the commission and the provisions of
20 this part.

21 (c) When any person or corporation performs any service for,
22 or delivers any commodity to, any person, private corporation,
23 municipality, or other political subdivision of the state, that in turn
24 either directly or indirectly, mediately or immediately, performs
25 that service for, or delivers that commodity to, the public or any

1 portion thereof, that person or corporation is a public utility subject
2 to the jurisdiction, control, and regulation of the commission and
3 the provisions of this part.

4 (d) Ownership or operation of a facility that employs
5 cogeneration technology or produces power from other than a
6 conventional power source or the ownership or operation of a
7 facility which employs landfill gas technology does not make a
8 corporation or person a public utility within the meaning of this
9 section solely because of the ownership or operation of that facility.

10 (e) Any corporation or person engaged directly or indirectly in
11 developing, producing, transmitting, distributing, delivering, or
12 selling any form of heat derived from geothermal or solar resources
13 or from cogeneration technology to any privately owned or publicly
14 owned public utility, or to the public or any portion thereof, is not
15 a public utility within the meaning of this section solely by reason
16 of engaging in any of those activities.

17 (f) The ownership or operation of a facility that sells compressed
18 natural gas at retail to the public for use only as a motor vehicle
19 fuel, and the selling of compressed natural gas at retail from that
20 facility to the public for use only as a motor vehicle fuel, does not
21 make the corporation or person a public utility within the meaning
22 of this section solely because of that ownership, operation, or sale.

23 (g) Ownership or operation of a facility that is an exempt
24 wholesale generator, as defined in the Public Utility Holding
25 Company Act of 2005 (42 U.S.C. Sec. 16451(6)), does not make
26 a corporation or person a public utility within the meaning of this
27 section, solely due to the ownership or operation of that facility.

28 (h) The ownership, control, operation, or management of an
29 electric plant used for direct transactions or participation directly
30 or indirectly in direct transactions, as permitted by subdivision (b)
31 of Section 365, sales into a market established and operated by the
32 Independent System Operator or any other wholesale electricity
33 market, or the use or sale as permitted under subdivisions (b) to
34 (d), inclusive, of Section 218, shall not make a corporation or
35 person a public utility within the meaning of this section solely
36 because of that ownership, participation, or sale.

37 (i) The ownership, control, operation, or management of a
38 facility that supplies electricity only for use to ~~power charge~~
39 *light-duty plug-in* electric vehicles ~~or plug-in hybrid vehicles~~ does
40 not make the corporation or person a public utility within the

1 meaning of this section solely because of that ownership, control,
2 operation, or management. *As used in this subdivision, “plug-in*
3 *electric vehicle” includes light-duty battery electric and plug-in*
4 *hybrid electric vehicles.*

5 SEC. 2. Chapter 3 (commencing with Section 4100) is added
6 to Division 2 of the Public Utilities Code, to read:

7
8 CHAPTER 3. ~~ELECTRICAL~~*ELECTRIC* VEHICLE CHARGING
9 STATIONS

10
11 4100. The Legislature finds and declares all of the following:

12 (a) Within the next five years automakers are expected to release
13 10 to 15 electric vehicle models into California’s new car market.

14 (b) ~~Electric and plug-in hybrid vehicles can~~*Plug-in electric*
15 *vehicles will* benefit the environment by reducing ~~tailpipe~~
16 ~~emissions, but overall emissions of greenhouse gases and tailpipe~~
17 *emissions. Nevertheless,* electrification of the transportation sector
18 could result in the construction of more conventional powerplants
19 using fossil fuels to generate electricity to meet increased peak
20 demand loads *potentially* resulting in increased powerplant
21 emissions if the charging of those vehicles is not properly managed.
22 *Accordingly, the commission will play an important role in*
23 *maximizing overall emission reductions.*

24 (c) ~~Electric and plug-in hybrid~~*Plug-in electric* vehicle charging
25 will place new demands on the state’s electrical distribution and
26 transmission system, but managed properly that demand can benefit
27 ~~ratepayers the state and ratepayers by encouraging off-peak~~
28 *charging that could flatten the electrical load shape and improve*
29 *transmission and distribution asset utilization while increasing*
30 *load factors.*

31 (d) ~~Third-party providers of electric and plug-in hybrid vehicle~~
32 ~~recharging systems will cumulatively provide charging services~~
33 ~~for tens of thousands of vehicles. These recharging systems, if not~~
34 ~~carefully integrated and controlled, have the potential to negatively~~
35 ~~impact electrical grid operations and system reliability.~~

36 (e) ~~A well-planned electric and plug-in hybrid~~
37 (d) *Smart plug-in electric* vehicle charging and infrastructure
38 can shift a significant amount of charging to off-peak times, ~~thereby~~
39 ~~avoiding~~ *minimize* the need to build new powerplants ~~and~~
40 ~~increasing,~~ *increase the efficient* utilization of existing powerplants,

1 ~~encouraging~~ *encourage* customers to use electricity generated from
2 eligible renewable energy resources to charge their vehicles, and
3 ~~promoting~~ *promote* the most energy efficient ~~electric and plug-in~~
4 ~~hybrid~~ *plug-in electric* vehicles.

5 (f)

6 (e) To meet these goals, the Public Utilities Commission should
7 ~~exercise limited jurisdiction over third-party electric and plug-in~~
8 ~~hybrid vehicle charging providers. “Limited jurisdiction,” as used~~
9 ~~in this subdivision, means ensuring effective load management~~
10 ~~exercise its authority under this chapter and Sections 454 and~~
11 ~~740.2 to ensure effective load management and resource planning,~~
12 which will also result in improved environmental performance of
13 the system, including integration with eligible renewable energy
14 resources and reduced emissions of greenhouse gases. *Measures*
15 *the commission should consider to facilitate load management*
16 *and resource planning for the charging of plug-in electric vehicles*
17 *include its authority over approval of electricity rates and tariffs,*
18 *including employing time-of-use rates and tariffs, its authority to*
19 *approve terms of service and interconnection, and its authority to*
20 *approve demand response programs.*

21 4105. ~~The~~ (a) *As used in this chapter, “plug-in electric*
22 *vehicle” includes light-duty battery electric and plug-in hybrid*
23 *electric vehicles.*

24 (b) ~~The commission shall adopt rules that are applicable to each~~
25 ~~facility that supplies electricity for use to power electric vehicles~~
26 ~~or plug-in hybrid vehicles, which is located that it determines are~~
27 *necessary for the charging of plug-in electric vehicles* within the
28 service territory of an electrical corporation, to achieve all of the
29 following:

30 (a) Minimize negative impacts to the electrical distribution grid
31 and maximize potential benefits to ratepayers through management
32 of the grid.

33 (b) Shift a significant portion of ~~electric and plug-in hybrid~~
34 *plug-in electric* vehicle charging to off-peak periods, thereby
35 ~~avoiding~~ *minimizing* the need to build new generating capacity
36 and increasing the ~~efficient use~~ *utilization* of existing generating
37 capacity.

38 (c) ~~Encourage the integration of intermittent eligible plug-in~~
39 *electric vehicle charging during periods that can improve*
40 *utilization and integration of renewable energy resources into the*

1 electrical transmission and distribution—grid by encouraging
2 charging when those resources are more likely to be generating
3 electricity.

4 (d) Promote use of the most energy efficient electric and plug-in
5 hybrid vehicles. *grid*.

6

7

8 CORRECTIONS:

9 Text—Pages 4 and 5.

10